

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Citibank (South Dakota) N.A.,

Plaintiff,

v.

Leonard P. Radtke,

Defendant.

**MEMORANDUM OPINION
AND ORDER**

Civ. No. 06-216 ADM/JJG

Michael D. Johnson, Esq., Balogh Becker, Ltd., Minneapolis, MN, on behalf of Plaintiff.

Leonard P. Radtke, *pro se*.

On March 20, 2006, oral argument before the undersigned United States District Judge was heard on Plaintiff Citibank (South Dakota) N.A.'s ("Citibank") Motion to Remand [Docket No. 2]. Citibank filed suit against Defendant Leonard P. Radtke ("Radtke") in Wright County District Court to collect unpaid debt from a credit card agreement, and Radtke removed the case to federal court.

Because there is no basis for either federal question or diversity jurisdiction, and for the reasons stated at oral argument, Plaintiff's Motion is **GRANTED** and this case is **REMANDED** to state court. The Court does not, as requested by Plaintiff, assess costs and actual expenses, including attorney fees, incurred by Plaintiff as a result of Defendant's removal against Defendant. However, this Order shall serve as notice to Defendant that if he removes a similar collection matter of this Plaintiff to federal court again, the Court may assess sanctions against him.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: March 20, 2006.